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Attorney Docket No. 15966-599 (CURA-99)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Shimkets, *et al.*  
SERIAL NO.: 09/718,321 EXAMINER: Ly, Cheyne D.  
FILING DATE: November 22, 2000 ART UNIT: 1631 #19  
FOR: NUCLEIC ACIDS CONTAINING SINGLE NUCLEOTIDE  
POLYMORPHISMS AND METHODS OF USE THEREOF  
Plunkett  
12/10/02

Commissioner for Patents  
Washington, D.C. 20231

DEC 10 2002

TECH CENTER 1600/2900

RESPONSE TO RESTRICTION REQUIREMENT

In response to the October 7, 2002, Restriction Requirement, Applicants elect Group III, claims 29-31, drawn to an isolated polypeptide comprising a polymorphic site at one or more amino acid residues, classified in class 530, subclass 300. Applicants further elect SEQ ID NO:400. Applicants make these elections without traverse and without prejudice to pursuing non-elected subject matter in later applications.

A petition for a one-month extension of time and required fee are filed herewith. With the extension, the response is due on or before December 7, 2002. The Commissioner is hereby authorized to charge any additional fees or to credit any overpayment of same, to Deposit Account No. 50-0311, Reference No. 15966-599.

Respectfully submitted,

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Dated: December 4, 2002

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SERIAL NUMBER: 09/718,321

EXAMINER: Ly, Cheyne D.

FILING DATE: November 22, 2000

ART UNIT: 1631

TITLE: NUCLEIC ACIDS CONTAINING SINGLE NUCLEOTIDE POLYMORPHISMS  
AND METHODS OF USE THEREOF

Commissioner for Patents  
Washington, D.C. 20231

**PRELIMINARY AMENDMENT**

Prior to examination of the above-identified patent application, please amend the application as set forth below and consider the following remarks.

#201C  
Plunkett  
12/10/02

**In the claims:**

Please cancel claims 1-28, and 32-44.

Please replace claims 29-31 with the following claims:

29. (Amended) An isolated polypeptide comprising a polymorphic site at one or more amino acid residues, wherein the protein is encoded by a polynucleotide selected from the group consisting of polymorphic sequence SEQ ID NO: 400, or its complement, provided that the polymorphic sequence includes a nucleotide other than the nucleotide recited in Table 1, column 5 for said polymorphic sequence, or the complement includes a nucleotide other than the complement of the nucleotide recited in Table 1, column 5.

30. The polypeptide of claim 29, wherein said polypeptide is translated in the same open reading frame as is a wild type protein whose amino acid sequence is identical to the amino acid sequence of the polymorphic protein except at the site of the polymorphism.

31. The polypeptide of claim 29, wherein the polypeptide encoded by said polymorphic sequence, or its complement, includes the nucleotide listed in Table 1, column 6 for said polymorphic sequence, or the complement includes the complement of the nucleotide listed in Table 1, column 6.